

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

SCOTT PIERCE,

Plaintiff,

v.

CIVIL ACTION NO. 1:18CV219
(Judge Keeley)

CHRIS VASILAKIS,

Defendant.

ORDER ADOPTING THE REPORT AND RECOMMENDATION
[DKT. NO. 13] AND DISMISSING CASE WITHOUT PREJUDICE

On December 10, 2018, the pro se plaintiff, Scott Pierce ("Pierce"), filed a complaint against the defendant, Chris Vasilakis, MD (Dkt. No. 1). Pursuant to 28 U.S.C. § 636 and the local rules, the matter was referred to the Honorable Michael J. Aloï, United States Magistrate Judge, for further proceedings (Dkt. No. 4).

In a Report and Recommendation ("R&R") entered on May 9, 2019, Magistrate Judge Aloï recommended that the Court dismiss this civil action without prejudice for failure to prosecute because Pierce has not paid the required filing fee and has not filed a motion to proceed in forma pauperis (Dkt. No. 13). The R&R informed Pierce of his right to file "specific written objections, identifying the portions of the Report and Recommendation to which objection is made, and the basis of such objection." Id. at 2. It further warned that failure to do so would result in waiver of his right to

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
[DKT. NO. 13] AND DISMISSING CASE WITHOUT PREJUDICE**

appeal. Id. Despite receipt of the R&R, Pierce has not filed objections to the recommendation.

"The Court will review de novo any portions of the magistrate judge's Report and Recommendation to which a specific objection is made...and the Court may adopt, without explanation, any of the magistrate judge's recommendations to which the prisoner does not object." Dellacirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D. W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Failure to file specific objections waives appellate review of both factual and legal questions. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984); see also Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991).

Having received no objections to the R&R, the Court has no duty to conduct a de novo review of Magistrate Judge Aloï's findings. Furthermore, following a review of the R&R and the record for clear error, the Court **ADOPTS** the R&R (Dkt. No. 13) and **DISMISSES** this civil action **WITHOUT PREJUDICE** and **DIRECTS** that it be stricken from the Court's active docket.

It is so **ORDERED**.

Pursuant to Federal Rule Civil Procedure 58, the Court **DIRECTS** the Clerk of Court to enter a separate judgment order and to

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
[DKT. NO. 13] AND DISMISSING CASE WITHOUT PREJUDICE**

transmit copies of both orders to the pro se plaintiff by certified mail, return receipt requested.

DATED: June 11, 2019.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE